

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Inventor:	Tom McGee		
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Customer No.:	24737		

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

# APPEAL BRIEF

Dear Sir:

Attached herewith is an Appeal Brief pursuant to 35 U.S.C. §134 and 37 C.F.R. §41.37 for the above-identified patent application in support of a Notice of Appeal filed at the US Patent and Trademark Office on April 23, 2007.

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**I. REAL PARTY IN INTEREST**

The real party in interest in the above-entitled application is Koninklijke Philips Electronics N.V., Eindhoven, NL.

**II. RELATED APPEALS AND INTERFERENCES**

The undersigned attorney/agent, the appellants, and the assignee are not aware of any related appeals or interferences that would directly affect, or be directly affected by, or have a bearing on the Board's decision in this pending appeal.

**III. STATUS OF THE CLAIMS**

Claims 1-25 are rejected and are all on appeal.

**IV. STATUS OF AMENDMENTS**

No after final amendments have been submitted.

**V. SUMMARY OF THE CLAIMED SUBJECT MATTER**

Claim 1 is directed towards a method of processing a catalog of electronic programming information containing information for at least one program, wherein the information includes a start time and an end time of the at least one program. (See page 2, lines 8-12). The method includes obtaining from the at least one program a first value representing characteristic data of the at least one program at the start time and storing the first value in the catalog. (See page 2, lines 13-15). The method further includes obtaining from the at least one program a second value representing characteristic data of the at least one program at the end time and storing the second value in the catalog. (See page 2, lines 16-17). When a user selects the at least one program for a future use by a device with a program input, the first and second values are copied to the device. (See page 2, lines 17-19). The first and second values are compared to corresponding values obtained from the program

input to determine a start and stop time for the future use. (See page 2, line 19 – page 3, line 5).

With respect to claim 8, which depends from claim 1, at least one of the first and second values is generated from an audio portion from one or more frames of the at least one program. (See page 4, lines 14-15, and page 9, line 22 – page 10, line 5).

Independent claim 11 is directed towards a method of processing a catalog of electronic programming information containing information for at least one program, wherein the information includes a start time and an end time of the at least one program. (See page 2, lines 8-12). The method includes obtaining from the at least one program a first value representing characteristic data of an ending of a program immediately preceding the at least one program and storing said first value in the catalog. (See page 3, lines 6-9). The method further includes obtaining from the at least one program a second value representing characteristic data of the at least one program at the end time and storing the second value in the catalog. (See page 2, lines 16-17). When a user selects the at least one program for a future use by a device with a program input, the first and second values are copied to the device. (See page 2, lines 17-19). The first and second values are compared to corresponding values obtained from the program input to determine a start and stop time for the future use. (See page 2, line 19 – page 3, line 5).

With respect to claim 18, which depends from claim 11, at least one of the first and second values is generated from the audio portion from one or more frames of the at least one program. (See page 4, lines 14-15, and page 9, line 22 – page 10, line 5).

Independent claim 21 is directed towards a method of processing a catalog of electronic programming information. (See page 2, lines 8-12). The method includes obtaining start and end times and a signature for a program selected for display from the catalog, wherein the signature includes information about the start of the program and the end of the program. (See page 4, lines 9-12, and page 9, 10-12). The method further includes recording an incoming signal when the signature of the incoming signal matches the signature of the start time within the obtained signature. (See page 4, lines 14-15, and page 9, 12-13).

The method further includes terminating recording of the incoming signal when the signature of the incoming signal matches the signature of the end time within the obtained signature. (See page 4, lines 16-17, and page 9, 14-16).

Independent claim 22 is directed towards a system for processing a catalog of electronic programming information, in which the catalog contains information for a program and a start time and end time of the program, and the program is represented by characteristic data gathered from the program. (See page 3, lines 6-9). The system includes a video signal source of the program, a processor operatively coupled to the video signal source, an electronic programming guide and a user selection device, and logic output means. (See page 3, lines 9-11). The processor is configured to obtain a user programming selection from the future user selection device, the characteristic data, program channel selection, and the start time and the end time from the catalog, monitor the video signal source at time proximal to the start time, and compare the characteristic data with complimentary characteristic data generated from the video signal source. (See page 2, line 19 to page 3, line 3, and page 3, lines 12-16). When the characteristic data obtained from the catalog is equivalent to the complimentary characteristic data generated from the video signal source, the logic output means is set to TRUE, and the comparison is stopped; otherwise, the logic output means is set to FALSE and the comparison continues. (See page 3, lines 10-18).

## **VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

Whether claims 1-4, 8, 10-14, 18, 20, and 22-25 are anticipated under 35 U.S.C. 102(e) by Alexander et al. (US 6,177,931).

Whether claims 5-7, 9, 15-17, and 19 are unpatentable under 35 U.S.C. 103(a) in view of Alexander et al. in view of Dimitrova et al. (US 6,100,941).

## **VII. ARGUMENTS**

### **A. The Rejection under 35 U.S.C. 102(e) by Alexander et al. (US 6,177,931)**

Claims 1-4, 8, 10-14, 18, 20, and 22-25 stand rejected under 35 U.S.C. 102(e) as anticipated by Alexander et al. (US 6,177,931). The rejection of these claims should be

withdrawn because Alexander et al. does not teach each and every aspect as set forth in the subject claims and, thus, does not anticipate claims 1-4, 8, 10-14, 18, 20, and 22-25.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987).

MPEP §2131.

*i. Claims 1 and 2-4*

Independent **Claim 1**, which is directed towards a method of processing a catalog of electronic programming information containing information for at least one program, recites obtaining first and second values respectively representing characteristic data of at least one program at start and end times from the program, storing the values in the catalog, copying the values to a device when a user selects the at least one program for a future use by the device, and comparing the values to corresponding values obtained from the program input to determine a start and stop time for the future use. Hence, the subject claim requires that such values be obtained from the television program itself. For instance, a non-limiting example in the specification provides that the values are obtained from a frame of the program.

Alexander et al. is directed towards a displaying and recording television control interface, or Electronic Programming Guide (EPG). In contrast, Alexander et al. discloses obtaining television program data for an EPG schedule, supplemental television program data, and/or advertising data by downloading such data to memory resident in a viewer's television system or linking the viewer's television system to the Internet. (See column 8, lines 18-64). Alexander et al. is silent regarding obtaining such data from a television program itself, let alone obtaining values representing characteristic data of at least one program at start and end times from the program as recited in the subject claim.

Since Alexander et al. does not teach each and every element as set forth in the subject claim, Alexander et al. does not anticipate claim 1. Accordingly, this rejection should be reversed.

**Claims 2-4** depend from independent claim 1, and by virtue of their dependency, are allowable for the reasons discussed above with respect to claim 1. Therefore, the rejection of these claims should be reversed.

*ii. Claim 8*

**Claim 8**, which depends from claim 1, recites that the values representing the start and end times of the program are generated from an audio portion from one or more frames of the program. The Office asserts that column 12, lines 33-43, of Alexander et al. teach these claimed aspects. Contrary to this assertion, this section of Alexander et al. teaches intra-program indexing of recorded programs. As disclosed in Alexander et al., intra-programming indexing is used to delineate a recorded program by one or more indices. As an example, Alexander et al. discloses that audio content may be used to create a topical index for the recorded program. However, creating an intra-program index to breakdown a recorded program by topic does not teach the above-noted aspects of the subject claim. Thus, this rejection should be reversed.

*iii. Claim 10*

**Claim 10** depend from independent claim 1, and by virtue of this dependency, is allowable for at least the reasons discussed above with respect to claim 1. Therefore, the rejection of claim 10 should be reversed.

*iv. Claims 11 and 12-14*

Independent **Claim 11** is directed towards processing electronic programming information and recites, *inter alia*, obtaining first and second values respectively representing characteristic data of an ending of a preceding program and characteristic data of a program at end time from the program. As noted above, Alexander et al. does not teach obtaining a value

representing characteristic data of a program at end time from the program. Alexander et al. also does not teach obtaining a value representing characteristic data of an ending of a preceding program from the program. Accordingly, this rejection should be withdrawn.

**Claims 12-14** depend from independent claim 11, and by virtue of their dependency, are allowable for at least the reasons discussed above with respect to claim 11. Therefore, the rejection of these claims should be reversed.

v. *Claim 18*

**Claim 18**, which depends from claim 11, recites that the values obtained from the program are generated from an audio portion from one or more frames of the program. As noted above, the section of Alexander et al. (column 12, lines 33-43) referenced in the Office Action to teach these claimed aspects instead discloses intra-programming indexing to delineate a recorded program by topic. Alexander et al. does not teach or suggest these claimed aspects, and this rejection should be reversed.

vi. *Claim 20*

**Claim 20** depend from independent claim 11, and by virtue of this dependency, is allowable for at least the reasons discussed above with respect to claim 11. Therefore, the rejection of claim 20 should be reversed.

vii. *Claim 21*

Independent **claim 21** recites a method of processing a catalog of electronic programming information that includes, *inter alia*, recording an incoming signal when the signature of the incoming signal matches a start time of a signature obtained from an electronic catalog and terminating the recording when the signature of the incoming signal matches an end time of the signature obtained from an electronic catalog. The Office references Alexander column 11, line 63, to column 12, line 8, and column 12, line 53, to column 13, line 13, to teach these claimed aspects. However, these sections of Alexander et al. disclose automatically updating the time a program is scheduled to be recorded with



program scheduling changes and preventing scheduling conflicts by not allowing a user to schedule the recording of programs during an overlapping time slot. Thus, this section of Alexander et al. relates to scheduling programs for recording and does not teach or suggest recording and terminating the recording of an incoming signal based on a comparison between a signature of the incoming signal and a signature from an electronic catalog. Accordingly, the rejection of claim 21 should be reversed.

*viii. Claims 22-25*

Independent **claim 22** recites setting a logic output means to TRUE when characteristic data obtained from a catalog is equivalent to complimentary characteristic data generated from a video signal source that is monitored at a time proximal to a program start time and stopping the comparison and, otherwise, setting the logic output means to FALSE and continuing the comparison. The Office asserts that the EPG microprocessor program of Alexander et al. teaches such aspects by when comparing scheduling changes with a schedule. However, the claim recites setting logic output means to TRUE or FALSE, and Alexander et al. is silent regarding setting logic output means as such. Thus, this rejection should be reversed.

**Claims 23-25**, which depend from claim 22, also recite aspects regarding setting the logic output means to TRUE or FALSE and, thus, this rejection should be withdrawn for at least the reasons set forth in claim 22. Therefore, the rejection of these claims should be reversed.

B. Rejection under 35 U.S.C. 103(a) in view of Bates et al. (US 6,721,953)

Claims 5-7, 9, 15-17, and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable in view of Alexander et al. in view of Dimitrova et al. (US 6,100,941). The subject claims depend from independent claims 1 and claim 11, and by virtue of their dependency, are allowable for at least the reasons discussed above with respect to claims 1 and 11. Accordingly, this rejection should be reversed.

### **VIII. CONCLUSION**

In view of the foregoing, it is submitted that the claims distinguish patentably and non-obviously over the prior art of record, and reversal of the rejection of claims 1-25 is respectfully requested.

Respectfully submitted,

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## **IX. CLAIM APPENDIX**

1. (Previously Presented) A method of processing a catalog of electronic programming information containing information for at least one program, said information including a start time and an end time of said at least one program, said method comprising:

obtaining from said at least one program a first value representing characteristics data of said at least one program at said start time; and

storing said first value in said catalog; and

obtaining from said at least one program a second value representing characteristics data of said at least one program at said end time; and

storing said second value in said catalog;

when a user selects said at least one program for a future use by a device with a program input, copying said first value and said second value to said device;

comparing said first value and said second value to corresponding values obtained from said program input to determine a start and stop time for said future use.

2. (Previously Presented) The method of claim 1, wherein said at least one program is a carried by a video signal source.

3. (Previously Presented) The method of claim 1, wherein said future use for said at least one program includes said device displaying said at least one program.

4. (Previously Presented) The method of claim 1, wherein said future use for said at least one program includes said device recording said at least one program.

5. (Previously Presented) The method of claim 1, wherein at least one of said first value and said second value representing characteristics data gathered from said at least one program is a signature generated by using a combination of features from a frame of said at least one program.

6. (Previously Presented) The method of claim 1, wherein at least one of said first value and said second value representing characteristics data gathered from said at least one program is a color histogram generated from a frame of said at least one program.
7. (Previously Presented) The method of claim 1, wherein at least one of said first value and said second value representing characteristics data gathered from said at least one program is generated from closed captioning data gathered from a frame of said at least one program.
8. (Previously Presented) The method of claim 1, wherein at least one of said first value and said second value representing characteristics data gathered from said at least one program is generated from an audio portion from one or more frames of said at least one program.
9. (Previously Presented) The method of claim 1, wherein at least one of said first value and said second value representing characteristics data gathered from said at least one program is a signature generated for a block of discrete cosine values for a frame.
10. (Previously Presented) The method of claim 1, wherein at least one of said first value and said second value representing characteristics data gathered from said at least one program is obtained from low level features.
11. (Previously Presented) A method of processing a catalog of electronic programming information containing information for at least one program, said information including a start time and an end time of said at least one program, said method comprising:
  - obtaining from said at least one program a first value representing characteristics data of an ending of a program immediately preceding said at least one program; and
  - storing said first value in said catalog; and
  - obtaining from said at least one program a second value representing characteristics data of said at least one program at said end time; and

storing said second value in said catalog;

when a user selects said at least one program for a future use by a device with a program input, copying said first value and said second value to said device ;

comparing said first value and said second value to corresponding values obtained from said program input to determine a start and stop time for said future use.

12. (Previously Presented) The method of claim 11, where said at least one program is carried by a video signal source.

13. (Previously Presented) The method of claim 11, wherein said future use for said at least one program includes said device displaying said at least one program.

14. (Previously Presented) The method of claim 11, wherein said future use for said at least one program includes said device recording said at least one program.

15. (Previously Presented) The method of claim 11, wherein at least one of said first value and said second value representing characteristics data gathered from said at least one program is a signature generated by using a combination of features from a frame of said at least one program.

16. (Previously Presented) The method of claim 11, wherein at least one of said first value and said second value representing characteristics data gathered from said at least one program is a color histogram generated from a frame of said at least one program.

17. (Previously Presented) The method of claim 11, wherein at least one of said first value and said second value representing characteristics data gathered from said at least one program is generated from closed captioning data gathered from a frame of said at least one program.

18. (Previously Presented) The method of claim 11, wherein at least one of said first value and said second value representing characteristics data gathered from said at least one

program is generated from the audio portion from one or more frames of said at least one program.

19. (Previously Presented) The method of claim 11, wherein at least one of said first value and said second value representing characteristics of said DCT blocks is a signature generated for a block of DCT values for a frame.

20. (Previously Presented) The method of claim 11, wherein at least one of said first value and said second value representing characteristics data gathered from said at least one program is obtained from low level features.

21. (Previously Presented) A method of processing a catalog of electronic programming information; comprising:

obtaining start and end times and a signature for a program selected for display from the catalog, wherein the signature includes information about the start of the program and the end of the program;

recording an incoming signal when the signature of the incoming signal matches the signature of the start time within the obtained signature; and

terminating recording of the incoming signal when the signature of the incoming signal matches the signature of the end time within the obtained signature.

22. (Previously Presented) A system for processing a catalog of electronic programming information, in which said catalog contains information for a program, wherein a start time and end time of said program is stored, in which said program is represented by characteristic data gathered from said program, said system comprising:

a video signal source of said program; and

a processor operatively coupled to said video signal source, said processor coupled to an electronic programming guide, and coupled to a user selection device, and logic output means; said processor configured to:

obtain a user programming selection from said future user selection device;  
and

obtain said characteristic data, program channel selection, and said start time  
and said end time from said catalog; and

monitor said video signal source at time proximal to said start time, comparing  
said characteristic data with complimentary characteristic data generated from said video  
signal source; and

(a) when said characteristic data obtained from said catalog is equivalent to  
said complimentary characteristic data generated from said video signal source, set said logic  
output means to TRUE, and stop performing said comparison; or

(b) otherwise set said logic output means to FALSE and continue performing  
said comparison on said video signal source.

23. (Previously Presented) The system of claim 22, wherein said processor is further  
configured to:

monitor said video signal source at time proximal to said end time, comparing said  
characteristic data obtained from said catalog with said complimentary characteristic data  
generated from video signal source; and

(a) when said characteristic data obtained from said catalog is equivalent to  
said complimentary characteristic data generated from said video signal source, set said logic  
output means to FALSE, and stop performing said comparison; or

(b) otherwise set said logic output means to TRUE and continue performing  
said comparison on said video signal source.

24. (Previously Presented) The system of claim 22, wherein said processor is further  
operatively connected to a device for further processing said program, wherein a TRUE value

for said logic output means causes said processor to turn on said device to a channel of said program.

25. (Previously Presented) The system of claim 24, further comprising that a FALSE value of said logic output means causes said processor to turn off said device.



**X. EVIDENCE APPENDIX**

None.

**XI.        RELATED PROCEEDINGS APPENDIX**

None known to undersigned attorney/agent.